

DIF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

SHARON SOLOMON,

Plaintiff,

-against-

SOUTHAMPTON U.F.S.D.,

Defendant.

X

FEUERSTEIN, J.

ORDER
08-CV-4822 (SJF)(ARL)

On December 1, 2008, plaintiff Sharon Solomon ("Plaintiff") initiated this action against defendant Southampton Union Free School District ("Defendant") asserting violations of, *inter alia*, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* and the Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12112 *et seq.* On May 20, 2010, Plaintiff moved to amend her Complaint to add additional claims of age discrimination under Title VII and the New York Human Rights Law, and claims pursuant to the ADEA and 42 U.S.C. §1983 ("Section 1983"). Pursuant to a Referral dated May 26, 2010, a Report and Recommendation (the "Report") of United States Magistrate Arlene R. Lindsay, dated June 24, 2010, recommended that Plaintiff's motion be granted as to the Section 1983 claims, but otherwise denied. No objections have been filed to the Report. For the reasons stated herein, the Report is accepted in its entirety.

I. Discussion

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Baptichon v. Nevada State Bank, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), affd, 125 F. App'x. 374 (2d Cir. 2005); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections have been filed to Magistrate Judge Lindsay's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts and adopts Magistrate Judge Lindsay's Report as an Order of the Court.

II. Conclusion

For the foregoing reasons, the Report is accepted in its entirety, and Plaintiff's motion to amend her Complaint is granted as to the Section 1983 claims and otherwise denied..

SO ORDERED.



SANDRA J. FEUERSTEIN
United States District Judge

Dated: September 17, 2010
Central Islip, New York